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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,584	01/22/2002	Anthony Nikodym	22176-3	4133
21710 75	590 03/12/2003			
BROWN, RUDNICK, BERLACK & ISRAELS, LLP.			EXAMINER	
BOX IP, 18TH FLOOR ONE FINANCIAL CENTER			ELVE, MARIA ALEXANDRA	
BOSTON, MA 02111		•	ART UNIT	PAPER NUMBER
			1725	
			DATE MAILED: 03/12/2003	\mathcal{U}

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No. 09/683,584

Applicant(s)

Nikodym et al.

Examiner

M. Alexandra Elve

Art Unit 1725



A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Caterisative of time may be seletible under the provisions of 37 CPR 1.135 (a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the provision of time may be selected under the provisions of 37 CPR 1.135 (a). In no event, however, may a reply to timely filled after SIX (6) MONTHS from the provision of time may be selected under the provisions of 37 CPR 1.735 (a). If 133, in the communication, the communication of the provision of the pro	The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
THE MAILING DATE OF THIS COMMUNICATION. **Catenation of time why be willed but the provisions of 2 CPR 1.136 (e). In no event, however, may a reply be timely filled after SIX (8) MONTHS from the mailing date of this communication. **If the period free they is specified doors, the ametimum standary period will apply writin the standary minimum of threy (30) days will be considered timely. **If the period free they is specified doors, the ametimum standary period will apply and will sent SIX (8) MONTHS from the mailing date of this communication. **If they derive they is specified above, the ametimum standary period will apply and will sent SIX (8) MONTHS from the mailing date of this communication, even if timely filled, may reduce any search gate of this communication. **Any reply reserved by the Office let even the tree mailing date of this communication, even if timely filled, may reduce any search gate of the communication. **Status** **In Part 1.15 (1)	Period for Reply					
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1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s)	 If the period for reply specified above is less than thirty (30) days, a reply within the If NO period for reply is specified above, the maximum statutory period will apply a Failure to reply within the set or extended period for reply will, by statute, cause the Any reply received by the Office later than three months after the mailing date of the set of the period by the Office later than three months after the mailing date. 	and will expire SIX (6) MONTHS from the mailing date of this communication. the application to become ABANDONED (35 U.S.C. § 133).				
2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) ☐ Image:	Status					
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Claim(s)	4a) Of the above, claim(s)	is/are withdrawn from consideration.				
Claim(s)	5) Claim(s)	is/are allowed.				
Claim(s)	6) Claim(s) 1 - 6	is/are rejected.				
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on						
The specification is objected to by the Examiner. The drawing(s) filed on	8) Claims	are subject to restriction and/or election requirement.				
The drawing(s) filed on	Application Papers					
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) Other:						

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-7 & 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Church (US Pat. 4,463,243) in view of Marshall et al. (US Pat. 4,80,131).

Church discloses a welding system in which an electric arc system uses gas mixtures of argon and carbon dioxide. The electrode currents are in the range of 100 to 1100 amperes. A schematic of the system reveals a reel which supplies welding wire to a wire feed device which pushes the wire through a flexible conduit and the latter terminates into a welding gun. A power supply supplies current to the welding wire and includes normal voltage and amperage controls. A shielding gas tank supplies gas to a flow control device which in turn feeds the gas to a conduit and the welding gun. Although Church discloses an electrode the specific composition is not taught.

Marshall et al. discloses a welding wire having a metallic sheath enclosing a core wire and filler powder materials. Arc stabilizers are added to the composite wires and include graphite and

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potassium compounds. These types of compounds are present in amounts of up to about 3.5 percent by weight of the total wire. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a wire composition, as taught by Marshall et al., in the Church welding system, because these are merely variations on the types of welding wires available.

The exact amounts of each of the constituents as presently claimed are not disclosed in the prior art; however, the prior art compositions closely approximate or overlap applicant's claimed composition. It has been held that one of ordinary skill in the art at the time of the invention would have considered the claimed compositions to have been obvious because close approximation or overlapping ranges in a composition is considered to establish a prima facie case of obviousness. See In re Malagari, 182 USPQ 549, Titanium Metals v. Banner 227 USPQ 773, In re Nehrenberg 126 USPQ 383.

3. Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US Pat. 4,800,131).

Marshall et al. discloses a welding wire having a metallic sheath enclosing a core wire and filler powder materials. Arc stabilizers are added to the composite wires and include graphite and potassium compounds. These types of compounds are present in amounts of up to about 3.5 percent by weight of the total wire. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a wire composition, as taught by Marshall et al., in the Church welding system, because these are merely variations on the types of welding wires available.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092. The examiner can normally be reached Monday to Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn, can be reached on (703) 308-3318.

Any inquiry of general nature to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0661.

March 9, 2003.

M. ALEXANDRA ELVE